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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/288,462	04/08/1999	RICHARD ALEXANDER HARRINGTON	777.222US1	7531

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EXAMINER
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LANIER, BENJAMIN E

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 05/06/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/288,462

Applicant(s)

HARRINGTON ET AL.

Examiner

Benjamin E Lanier

Art Unit

2132

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s): \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
GILBERTO BARRON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's argument that claim 2 did not include new matter is persuasive and the new matter rejection of claim 2 is withdrawn, however, claim 2 is still rejected under 103(a) (see previous action). Applicant's argument that claims 1, 9, 15, and 24 do not include new matter is not persuasive because the cited portion of the specification does not include the amended limitation that the trigger file consists of only content other than a decryption key. The cited portion merely suggests that the trigger file be a previous software module of another file suitable for indicating that a computer is authorized for having software module installed. Decryption keys are well known in the art as files suitable to delegate authorization of data. Applicant's argument that the Chandra references does not disclose or suggest determining whether to install a non-restricted version of the software module or to decrypt and install the restricted software module is not persuasive because Chandra discloses that if the computer system has the necessary decryption key then the encrypted portions (restricted modules) are decrypted and the software package is installed in full (restricted version), and if the computer system does not have the necessary decryption key then the software package is installed without decrypted the encrypted portions (non-restricted version). Thus leaving the user with portions of the software that cannot be used. Applicant's argument that the Easter reference does not show a database usable in an installation module is not persuasive because although the Easter references does disclose that the key database is typically used on a central computing system as cited, the Easter reference does not disclose that the key database must always be used on a central computing system and the Easter reference distinctly discloses that the key database is usable in a public key cryptography system (Col. 1, line 62). Yoshida uses a public key cryptography system in order to distribute software, and public keys are the trigger files used to decrypt the encrypted (restricted) portions of the software packages. Therefore it would have been obvious to use the key database of Easter in the software distribution scheme of Yoshida so that the software vendor could ensure that each user has their own key as taught in Easter (Col. 1, lines 50-55).